

Title 13

STREETS AND SIDEWALKS

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Chapter 13.02

DATUM PLANE

Section:

13.02.010 Datum plane adopted.

Section 13.02.010 Datum plane adopted.

The datum plane, as established by the United States Department of Interior Geological Survey based upon mean sea level and as corrected by that certain adjustment entitled "Southern California Preliminary Adjustment of 1928," is hereby adopted as the official datum plane of the City. (Prior code § 28.20)

Chapter 13.04

USE REGULATIONS

Sections:

- 13.04.010 Loitering so as to obstruct.**
- 13.04.020 Use of streets for sale of merchandise.**
- 13.04.030 Operation of certain machinery on streets.**
- 13.04.040 Dragging articles on streets.**
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- 13.04.070 Moving buildings on certain streets.**
- 13.04.080 Spilling oil on streets.**
- 13.04.090 Equipment and use of oil delivery wagons.**
- 13.04.100 Spilling transported materials--Hauling materials with offensive odors.**
- 13.04.110 Removal of accidentally deposited materials.**
- 13.04.120 Running waste water upon streets.**
- 13.04.130 Protection of ornamental lighting posts--Obstructing fire hydrants.**
- 13.04.150 Bridging canals and irrigation ditches.**
- 13.04.160 Fencing canals and ditches.**

Section 13.04.010 Loitering so as to obstruct.

It is unlawful for any person to loiter, stand, or sit in or upon any public street, alley, sidewalk or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same. (Ord. 6393 § 34, 1997; prior code § 28.1)

Section 13.04.020 Use of streets for sale of merchandise.

It is unlawful for any person to occupy any portion of any street for the purpose of selling merchandise or commodities of any kind, except by sale from a vehicle or pushcart having the right to sell under a provision of this code or other ordinance of the City; but it is unlawful to make any sale on any street by public outcry. (Ord. 5618 § 3, 1988; prior code § 28.2)

Section 13.04.030 Operation of certain machinery on streets.

It is unlawful for any person to propel any traction engine or other engine or machine of a similar nature, or any harrow or cultivator or other sharp instrument over or along any graded or improved street, unless the same is taken over, across or along such street in a manner so as not to tear or mar the surface thereof, by having its wheels and other parts protected against injury to such street. This shall not be construed to interfere with the taking across or over and along such streets light orchard cultivators, plows and similar implements; provided, that they are transported on light drags in a manner so as not to cut into or make ruts in such streets. (Prior code § 28.3)

Section 13.04.040 Dragging articles on streets.

It is unlawful for any person to allow a truck, automobile, wagon or other vehicle to drag over or along any street, any block or other article usually used as a braking block for the rear wheels of wagons, or to drag any pipe, lumber, trees or other articles across, over or along such

street; but nothing in this section or in Section 13.04.030 shall be construed to prohibit the City from using any vehicle, machine, implement or drag in the improvement or repair of any street. (Prior code § 28.4)

Section 13.04.050 Playing games and discharging missiles in streets and parks.

It is unlawful for any person to play any game of ball or football, or to throw, cast, shoot or discharge any stone, pellet, bullet, arrow or any other missile in, over, across, along or upon any street or in or upon any public park in the City, unless such place has been set aside for such games. (Prior code § 28.5)

Section 13.04.060 Burning material in streets and certain parking spaces.

It is unlawful for any person to light a fire, or to burn or authorize or permit to be burned any paper, wood or other material, or to set fire to or burn any rubbish, brush or other material over or upon any oiled asphalt, or cement sidewalk or over or upon any curb, improved gutter, improved street, or upon any parking space which is planted to street trees, ornamental shrubs or lawn. (Prior code § 28.6)

Section 13.04.070 Moving buildings on certain streets.

It is unlawful to move any house, building, parts of buildings, freight or goods or material of any kind across, over or along any street by means of a traction engine or any similar engine or machinery upon streets which have been paved with asphaltum or other material, or which have been macadamized, graded, gravelled or oiled, unless the wheels and other parts of such engine or machinery are protected in the manner set forth in Section 13.04.030. (Prior code § 28.7)

Section 13.04.080 Spilling oil on streets.

It is unlawful for any person to pour, spill or permit to drip upon any improved street in the City, any oil, petroleum, kerosene, benzine or other similar oil or oily substance, or liquid; except that, this shall not apply to the small dripping of lubricating oil from automobiles; provided, that any automobile dripping oil in other than the ordinary small quantities shall, on notice to the owner or operator thereof, be at once repaired against any excess dripping of such lubricating oil. (Prior code § 28.8)

Section 13.04.090 Equipment and use of oil delivery wagons.

All oil delivery wagons or tanks shall have securely fastened under taps or faucets thereto attached, an absolutely oil or water tight, zinc lined box or tray; and in filling any measure or other vessel from such taps or faucets, such measure or other vessel must be held so that any drip or overflow shall fall into such box or tray, and in carrying or removing such vessel or measure over or across any asphalt or bituminous pavement, no drip or overflow from such measure or vessel shall be permitted to fall upon such pavement. No measure or other receptacle or vessel for holding oil shall be placed upon any asphalt or bituminous pavement. (Prior code § 28.9)

Section 13.04.100 Spilling transported materials--Hauling materials with offensive odors.

It is unlawful for any person to transport material of any kind over, along or across any street in the City, on automobile trucks, automobiles, wagons, cars or vehicles of any kind, or by any method, unless the same is so transported or carried that no portion of any materials shall fall or be deposited upon the public streets, and the gears of all wagons or vehicles of any kind

used to haul or transport earth or other material along the streets shall be cleaned before leaving the loading place, and also before leaving the dumping place, and especially shall all wagons hauling earth, sand, rock, straw, brush, hay, rubbish, garbage, swill, cesspool or privy contents, or other material, manure, or commercial fertilizer, be so constructed that such materials will not waste through and be deposited upon the streets, in whole or in part; but this shall not apply to depositing material on the streets under lawful permits for building or improvement purposes. It is unlawful for any person to transport or haul over or through the streets of the City any manure, fertilizer, garbage, rubbish, waste matter or other substances from which offensive odors may arise and which are not encased in containers, without fully covering such substances being so hauled or transported with a tarpaulin or canvas. (Prior code § 28.10)

Section 13.04.110 Removal of accidentally deposited materials.

In case material is deposited by accident or other means upon any street, contrary to Section 13.04.100 the same shall be immediately cleaned from such street and removed by the person in charge of such wagon, car or vehicle. (Prior code § 28.11)

Section 13.04.120 Running waste water upon streets.

It is unlawful for any person using water for irrigation, domestic or other use or purpose, to run any waste water or allow the same to run onto or upon any public street in the City, but each person must care for and dispose of his own waste water. (Prior code § 28.12)

Section 13.04.130 Protection of ornamental lighting posts--Obstructing fire hydrants.

It is unlawful for any person to tie any animal to any ornamental lighting post, or to themselves lean, or lean or stand any bicycle, motorcycle, freight, goods, or any other material against any ornamental lighting post or for one foot on either side thereof, or within twenty-five feet of any fire hydrant, or to place or pile boxes, freight, or other articles upon the sidewalk for delivery to stores or otherwise, within one foot of such ornamental lighting posts, or to a height or in a manner calculated to injure same, and all such shall be promptly attended to and removed to the interior of the stores or to other private property. (Prior code § 28.13)

Section 13.04.150 Bridging canals and irrigation ditches.

Any person owning or operating canals and irrigation ditches running over, through or across the City are required to construct, maintain and keep in good repair at all times, good and sufficient bridges over all such canals and ditches, wherever they cross the line of any street. All such bridges are to be laid as nearly as possible on the same grade as the street, and they shall be the full width of the street, whenever the Mayor and Common Council shall, by resolution, require such width. All such bridges shall have substantial and neat guards on each side for the safety of travel. (Prior code § 28.15)

Section 13.04.160 Fencing canals and ditches.

All persons owning or operating canals and irrigating ditches in the City, and running over, across or through any street, are required to fence the same on one or both sides with a substantial fence, whenever the Mayor and City Council shall, by resolution, state that a public necessity exists therefor, for the preservation of life and property, and that the condition sought to be rectified is dangerous. (Prior code § 28.16)

Chapter 13.06

VEGETATION MAINTENANCE

Sections:

13.06.010	Obstructions on private property.
13.06.030	Notice of existence of obstruction.
13.06.050	Injunction.
13.06.070	Sight obstructions, obstructing or dangerous trees or shrubs on streets.
13.06.090	Vegetation--Property owner maintenance responsibility and duty to public.
13.06.101	Dangerous trees--Notice to trim or remove.
13.06.103	Notice to trim or remove--Delivery.
13.06.105	Notice to trim or remove--Contents.
13.06.107	Notice to trim or remove--Trees on private property.
13.06.109	Dangerous trees--Obstructions--Removal by City.
13.06.111	Dangerous trees--Cost of removal by City.
13.06.113	Removal costs--Assessment against property.
13.06.115	Hearing on assessment costs.
13.06.117	Assessment deemed a lien when.
13.06.119	Lien--Recordation and collection.
13.06.121	Liability limitation.
13.06.123	No interference with enforcement of this chapter.
13.06.125	Failure to give or receive notice.
13.06.127	Exemption.

Section 13.06.010 Obstructions on private property.

No owner or person in possession of any premises on any corner or interior lot abutting upon a street shall permit the existence of any hedge, shrub, tree, landscaping, mound of earth, or boulders greater than thirty inches in height or limb of a tree less than eighty-four inches in height between the setback lines of such lot and the street excluding planting easements, which is determined by the Public Works Director to obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.030 Notice of existence of obstruction.

The Public Works Director shall give written notice of the existence of an obstruction of the type described in Section 13.06.010 personally to the owner or person in possession of the premises mentioned in said Section 13.06.010 or by mailing a notice, postage prepaid, to the person in possession of such premises or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the County to remove the sight obstruction by trimming or removing the obstructing hedge, shrub, limb of tree, tree, landscaping or removing or regrading the mound of earth or boulders, as determined necessary by the Public Works Director. The Public Works Director may require the removal of such hedge, shrub, limb of tree, tree, landscaping or mound of earth or boulders, if trimming or regrading will not adequately remove the sight obstruction. It is unlawful for the owner or person in possession of said premises to neglect or fail to comply with the directions of the Public Works Director concerning such obstruction within fourteen days after the service upon him or her of

said notice. No permit to remove trees creating a hazard to the public of the type described in Section 13.06.010 shall be required. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.050 Injunction.

In addition to any remedy provided for herein or by law for the violation or violations of Section 13.06.010 and 13.06.030, the City Attorney may maintain an action for an injunction to restrain, abate, or to correct or compel the removal of such violation or violations. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.070 Sight obstructions, obstructing or dangerous trees or shrubs on streets.

A. The Public Works Director may inspect any and all trees, shrubs and hedges which are in any street or which, standing on any private property, overhang or project into any such street, to determine whether any of the same, or any part thereof, appears to be dead, liable to fall, dangerous or an obstruction to public pedestrian, equestrian, bicycle or vehicular travel on any such street or cause such inspection to be performed.

B. In case any tree, shrub or hedge in any street, or any tree, hedge or shrub on any private property overhanging or projecting into any such street appears to be dead, liable to fall, dangerous, or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel on any such street, the Public Works Director with the concurrence of the Parks and Recreation Director may cut down or cause the same or such parts thereof as are dead, liable to fall, dangerous or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel, to be cut down, and if in any such street, to remove or cause the same or such parts thereof to be removed therefrom. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.090 Vegetation--Property owner maintenance responsibility and duty to public.

A. The owner or person in possession of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets, trails, paths and sidewalks.

B. For purposes of this part, maintenance of trees, shrubs, hedges and other landscaping includes, but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.

C. Property owners or persons in possession required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets, trails, paths and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets, trails, paths and sidewalks.

D. If any property owner or person in possession fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner or person in possession shall be liable for all damages or injuries caused by the failure of the owner or person in possession to maintain these areas. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.101 Dangerous trees--Notice to trim or remove.

A. When any tree, shrub or hedge or any part thereof appears to be dead, is liable to

fall, is dangerous, or is an obstruction to public pedestrian, equestrian, bicycle or vehicular travel, whether or not the tree, shrub or hedge is on any private property and overhangs or projects into any street or is in any street, the Public Works Director may, by notice in writing, notify the owner or person in possession of the property to cut down, trim or remove the tree, shrub or hedge. No permit to cut down, trim or remove such tree, shrub or hedge shall be required.

B. No such tree standing on any private property shall be removed unless the owner or occupant of such property nearest such tree is given written notice of his or her opportunity within seven days after the giving of such notice to file with the said Director his or her objection in writing to such removal and unless the said Director duly reviews the objection if such is filed and thereafter approves, in writing, the removal if such objection is not sustained and notifies the owner or occupant of such decision. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.103 Notice to trim or remove--Delivery.

The notice mentioned in Section 13.06.101 may be given by delivering a written notice personally to the owner or to the person in possession of the property, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of the County. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.105 Notice to trim or remove--Contents.

The notice shall particularly specify what work is required to be done and shall further specify that if the tree, shrub or hedge is not cut down, trimmed or removed within thirty days after the giving of such notice, the Public Works Director shall perform such work or cause same to be done and the cost of the same shall be a lien on the property upon which such tree, shrub or hedge is located, or on the property which fronts upon the street on which such tree, shrub or hedge is located. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.107 Notice to trim or remove--Trees on private property.

If the tree to be removed is on private property, the notice shall further specify that the owner or occupant of private property nearest such tree may, within seven days after the giving of such notice, file with the Public Works Director his or her written objection to such removal; that if such objection is filed, the said Director shall duly review the objection and that if such objection is not sustained, the said Director shall thereafter approve in writing the removal and shall cause notice of such decision to be given to the owner or person in possession in the manner specified in Section 13.06.103 and that no such tree shall be removed until such review has occurred and decision rendered and notice thereof been given. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.109 Dangerous trees--Obstructions--Removal by City.

A. If the tree, shrub or hedge is not cut down, trimmed, or removed as required by notice, the Public Works Director shall forthwith perform such work or cause such work to be performed and the affected property may be assessed for the cost therefor in accordance with Sections 13.06.111, 13.06.113, 13.06.115, 13.06.117 and 13.06.119.

B. In cases of manifest public danger and/or immediate necessity, the Public Works Director shall perform or cause to be performed the work described in Sections 13.06.070 and 13.06.101 without observance of any notice requirements after which the affected property may be assessed therefor in accordance with Sections 13.06.111, 13.06.113, 13.06.115, 13.06.117 and 13.06.119. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.111 Dangerous trees--Cost of removal by City.

Upon completion of the work, the Public Works Director shall cause notice of the cost thereof to be given in the manner specified in this chapter for the giving of notice to perform the work, which notice shall specify the day, hour and place when the City Council will hear and pass upon a report by the Public Works Director of the cost of the work, together with any written objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such work. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.113 Removal costs--Assessment against property.

Upon completion of the work, the Public Works Director shall prepare and file with the City Council a report specifying the work which has been done, the cost thereof, a description of the real property upon which the tree, shrub or hedge was located or of the real property which fronts upon the street on which such tree, shrub or hedge was located and the assessment against the parcel of land proposed to be levied to pay the cost thereof. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.115 Hearing on assessment costs.

Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Public Works Director, together with any written objections which may be raised by any property owner or person in possession liable to be assessed for the work of cutting down, trimming or removing any tree, shrub or hedge. Thereupon the City Council may make such modifications in the report as it may deem just, after which, by resolution, the report as submitted or as modified shall be confirmed. The decisions of the City Council on all protests and objections shall be final and conclusive. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.117 Assessment deemed a lien when.

The cost of cutting down, trimming or removing any tree, hedge or shrub may be assessed by the City Council against the parcel of property upon which the same is located, or the parcel of property which fronts upon the street on which such tree, shrub or hedge is located, and such cost so assessed, if not paid within five days after its confirmation by the City Council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until discharged. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.119 Lien--Recordation and collection.

The City Council, after confirmation of the report of the Public Works Director, may order a notice of lien to be delivered to the County Auditor, who shall enter the amount thereof on the County assessment book opposite the description of the particular property, and the amount shall be collected, together with all other taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary City taxes. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.121 Liability limitation.

Nothing contained in this chapter shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner or person in possession of any private

property from the duty to keep trees, shrubs and hedges upon said private property, or under his or her control or upon streets in front of or contiguous to such private property, in a safe condition. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.123 No interference with enforcement of this chapter.

No person shall interfere with or delay the authorized representative of the City from the execution and enforcement of this chapter except as provided by law. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.125 Failure to give or receive notice.

The failure to post, mail or deliver by personal service any notice required under this chapter or the failure of any person to receive such notice shall not affect the validity of any proceedings or actions taken by the City or its employees, agents or contractors under this chapter. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.127 Exemption.

Nothing in Chapter 13.06 shall require the adjacent property owner or person in possession, except for watering, to maintain or otherwise be responsible for City-owned and maintained street trees that are located in the street right-of-way or easement. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Chapter 13.08

PERMITS

Sections:

- 13.08.010 Duty of Director of Public Works relative to issuance of permits and collection of fees.**
- 13.08.015 Encroachment permit--Fee.**
- 13.08.020 Inspection of work under a permit.**
- 13.08.025 Standards for pay telephones placed in the public right-of-way or upon City-owned easement.**
- 13.08.030 Suspension and cancellation of permits.**

Section 13.08.010 Duty of Director of Public Works relative to issuance of permits and collection of fees.

It is the duty of the Director of Public Works to receive applications for permits, and to collect and account for the fees fixed by law for the issuance of permits, and to issue permits for the work of grading and paving streets, sidewalks and alleys, and of constructing and installing curbs, gutters, culverts, drains, drainage systems, sanitary sewers and appurtenant work. Permits shall be issued to public agencies and public schools free of charge by the Director of Public Works upon receipt of a proper application. (Ord. 3927 § 1 (part), 1972; prior code § 28.17)

Section 13.08.015 Encroachment permit--Fee.

No facilities or structures shall be constructed or placed upon a street right-of-way or upon any City-owned easement except upon issuance of an encroachment permit by the City, or except for facilities or structures installed or constructed by public utilities in accordance with any franchise or right previously granted. A processing fee for any permit issued for encroachments into the street rights-of-way or upon City easements shall be paid to the Public Works Department at the time of application for such permit, which fee shall be in an amount as established by resolution of the City Council. (Ord. 4822 § 3, 1980)

Section 13.08.020 Inspection of work under a permit.

It shall be the duty of the Director of Public Works to inspect the work of grading and paving streets, sidewalks and alleys, and of constructing curbs, gutters, culverts, drains, drainage systems, sanitary sewers, utilities and appurtenant work, which is being done under such permit, either by a contractor pursuant to contract with the City, or any board or department thereof, or by any contractor pursuant to contract with any person acting in a private capacity, or which is being done by any person acting in a private capacity without contract. He shall make such inspections from time to time as he may consider necessary, and shall make and keep a record of the manner in which the work is being performed. The inspection of utility construction by the Director of Public Works shall be limited to location, pavement removal and replacement, backfill and traffic safety. Inspection of the utility structure shall be the responsibility of the utility owner. (Ord. 3927 § 1 (part), 1972; prior code § 28.18)

Section 13.08.025 Standards for pay telephones placed in the public right-of-way or upon City-owned easement.

Any pay telephone installed or placed upon or projecting over a street right-of-way or upon any City-owned easement in whole or in part, shall be in compliance with the standards set forth in this section. An encroachment permit pursuant to Section 13.08.015 shall not be issued unless all standards set forth below have been satisfied.

A. No encroachment permits will be issued for pay telephones for residential neighborhood locations.

B. No encroachment permits will be issued for pay telephones which are planned to be placed or otherwise installed or maintained within two hundred feet of an existing pay telephone or cluster of pay telephones. A "cluster" means "group," or "two or more" pay telephones. An encroachment application for a pay telephone permit must be accompanied with a map of other pay telephones located within two hundred feet of the proposed location.

C. Each proposed location must have on-street parking available.

D. Upon receipt for application for an encroachment permit for a pay telephone, the Public Works Director or his designee shall forward a copy thereof for review to the Police Department, Planning Department, Public Utilities Department -- Planning and Engineering, Public Works Department -- Engineering and Inspection and Traffic Engineer. Items of review shall include the following:

1. Sight restrictions from intersections and driveways;
2. Interference with pedestrians;
3. Interference with vehicles loading and unloading curbside;
4. Lighting and safety of users;
5. Interference with underground utilities and irrigation systems for landscaping and trees;
6. Pending street widenings or other public improvement projects.

E. All permit requests must be accompanied by the verified consent declaration of the property owner whose property is adjacent to the public property on which the proposed pay telephone is to be located. (Ord. 6277 § 1, 1996)

Section 13.08.030 Suspension and cancellation of permits.

The Director of Public Works is authorized and empowered to suspend, cancel or withdraw the permit issued by him for the performance of any work which is not being done in accordance with the plans and specifications, or to the reasonable satisfaction of the Director of Public Works. (Ord. 3927 § 1 (part), 1972; prior code § 28.19)

Chapter 13.10

MAINTENANCE AND REPAIR OF SIDEWALKS

Sections:

13.10.010	Maintenance and repair of sidewalks.
13.10.030	Liability for injuries to public.
13.10.050	Notice to repair.
13.10.070	Service of notice to repair.
13.10.090	Contents of notice to repair.
13.10.101	Work performance - Superintendent of streets authority.
13.10.103	Notice of cost to repair and time for repayment.
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13.10.107	Report of repairs and costs.
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13.10.111	Assessment.
13.10.113	Notice of Lien.
13.10.115	Lien - recordation and collection.
13.10.117	No interference with enforcement of this chapter.
13.10.119	Exemption.

Section 13.10.010 Maintenance and repair of sidewalks.

A. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this Chapter and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this chapter, the provisions of this chapter shall control.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this part, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within (1) the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

D. Notwithstanding the provisions of Section 5614 of the State Streets and Highways

Code, the Public Works Director may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given. (Ord. 6393 § 36, 1997; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.030 Liability for injuries to public.

The property owner or person in possession required by Section 13.10.010 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by Section 13.10.010, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.050 Notice to repair.

When any portion of the sidewalk area is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk area, the superintendent of streets may notify the owner or person in possession of the property fronting on that portion of such sidewalk area so out of repair, to repair the sidewalk area. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.070 Service of notice to repair.

Notice to repair may be given by delivering written notice personally to the owner or to the person in possession of the property facing upon the sidewalk area so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the county. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.090 Contents of notice to repair.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within thirty days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the costs of the same shall be a lien on the property. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.101 Work performance - Superintendent of streets authority.

In performing the work of repairing or constructing any sidewalk as provided in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the State, the superintendent of streets may, if the costs of said work does not exceed five thousand dollars:

A. Procure at least three sealed bids to perform said work from contractors licensed to undertake the same, and let said work to the lowest responsible bidder at the prices named in his bid; or

B. Order a City work crew to perform said work. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.103 Notice of cost to repair and time for repayment.

Upon the completion of the repairs or construction by the City, the superintendent of streets shall cause notice of the cost of repairs or construction to be given in the manner specified in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the State of California, as the same is now in effect or may hereafter be amended, for the giving of notice to repair. The notice shall particularly specify the work which was required and the cost of the repairs or construction. The property owner shall have thirty days in which to pay the costs of repairs or to enter into a repayment agreement with the City. In the event that the property owner fails to pay the cost of repairs or make arrangements for payment with the City, the matter shall be submitted to the City Council for hearing upon notice to the property owner as set forth hereafter. (Ord. 6379 § 1, 1997)

Section 13.10.105 Notice of cost and hearing by Council.

Upon the completion of the repairs or construction, the superintendent of streets shall cause notice of the cost of the repairs or construction to be given in the manner specified in Chapter 22 (Repair) of Division 7, Part 3, of the Streets and Highways Code of the State of California, as the same is now in effect or may hereafter be amended, for the giving of notice to repair or construct. The notice shall specify the day, hour and place when the City Council will hear and pass on the report of the costs of the repair, together with any written objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or construction and any other interested persons. The notice shall also describe the procedure to be followed for such written objections or protests. In no case shall the hearing provided for in this section be sooner than ten days after giving of notice. (Ord. 6379 § 1, 1997)

Section 13.10.107 Report of repairs and costs.

In the event that the property owner refuses to comply with Section 13.10.103, the superintendent of streets shall prepare and file with the City Council a report specifying the repairs which have been made, the cost of the repairs, the description of the real property in front of which the repairs have been made and the assessments against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, rather contiguous to each other or not. (Ord. 6379 § 1, 1997)

Section 13.10.109 Hearing by City Council.

The City Council, on the day and hour fixed for hearing, shall hear and pass upon the report of the superintendent, together with any written protests or objections, which have not been withdrawn prior to the hearing, from property owners liable to be assessed for the work of making such repair and any other interested persons in accord with the procedure provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code. The decision of the City Council on all protest and objections which may be made, shall be final and conclusive. (Ord. 6379 § 1, 1997)

Section 13.10.111 Assessment.

The costs of the repair may be assessed by the City Council against the parcel of property fronting upon the sidewalk area upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the City Council, shall constitute a special assessment against that parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. (Ord. 6379 § 1, 1997)

Section 13.10.113 Notice of Lien.

The superintendent of streets may file in the office of the county recorder in the county in which the parcel of property is located, a certificate substantially in the form set forth in Section 5626 of the Streets and Highways Code. (Ord. 6379 § 1, 1997)

Section 13.10.115 Lien - recordation and collection.

As an alternative method of the collection of the lien, the City Council, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the county tax collector, who shall enter the amount thereof on the county assessment book opposite the description of the particular property, and the amount shall be collected, together with all other taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinarily city taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in the case of delinquency, as provided for ordinary city taxes. (Ord. 6379 § 1, 1997)

Section 13.10.117 No interference with enforcement of this chapter.

No person shall interfere with or delay the authorized representative of the city from the execution and enforcement of this Chapter except as provided by law. (Ord. 6379 § 1, 1997)

Section 13.10.119 Exemption.

Nothing in Chapter 13.10 shall require the adjacent property owner or person in possession, to maintain, repair or otherwise be responsible for damage to sidewalk areas caused by a City owned and maintained street tree located in the street right-of-way or easement. (Ord. 6379 § 1, 1997)

Chapter 13.12

EXCAVATIONS*

Sections:

13.12.00E	Editor's note to Chapter 13.12.
13.12.010	Guards and lighting.
13.12.020	Depth and location of pipes and conduits.
13.12.030	Water and gas.
13.12.040	Sewer.
13.12.050	Electric and telephone.
13.12.060	Miscellaneous underground facilities.
13.12.070	Permit required.
13.12.080	Effect of permit on franchises.
13.12.090	Duties of inspectors--Payment for services.
13.12.100	Construction and reconstruction requirements.
13.12.110	Payment of restoration costs.
13.12.120	Discretion and conditions in granting request to open street.
13.12.130	Notification upon completion of work.
13.12.140	Diligent prosecution of work.
13.12.150	Failure to comply with chapter.

Section 13.12.00E Editor's note to Chapter 13.12.

* For general provisions for excavations and fills, see Ch. 16.28 of this code. Prior code history: prior code §§ 28.24-28.31 as amended by Ord. 3557.

Section 13.12.010 Guards and lighting.

Any person holding a permit for the excavation of any street or alley shall place and maintain on all excavations all such necessary barriers, guards, lights, signs, flagmen and watchmen advising the public of detours and construction hazards as deemed to be necessary by the Director of Public Works. (Ord. 3927 § 2 (part), 1972)

Section 13.12.020 Depth and location of pipes and conduits.

Whenever any pipe for conducting water, gas or sewage or conduits for conducting electric or telephone lines along any street are laid by any person, such pipe or conduit shall be laid as set forth in Sections 13.12.030 through 13.12.060, unless special permission to the contrary has been given by the Director of Public Works or the Director of Public Utilities where applicable. (Ord. 3927 § 2 (part), 1972)

Section 13.12.030 Water and gas.

A. All domestic water pipes shall be laid at such depth that the top of such pipes shall not be less than thirty inches below the established grade of the street, and all gas pipes shall be laid at such depth that the top of such pipes shall not be less than thirty inches below the established grade of the street; provided, however, that in cases where the grades may not have been established, these depths shall be below the existing surface of the street.

B. Water pipes shall be laid a minimum of six feet from the centerline of the street on the southerly or westerly side thereof.

C. Gas pipes shall be laid six feet toward center of street from the curb line of the street on the northerly or easterly side thereof. (Ord. 3927 § 2 (part), 1972)

Section 13.12.040 Sewer.

A. All sewer mains shall be laid at such depth that the top of such mains shall not be less than six feet below the established grade of the street; provided, however, that in cases where the grades may not have been established, these depths shall be below the existing surface of the street.

B. Sewer mains shall be laid a minimum of five feet from the centerline of the street on the northerly or easterly side thereof.

C. Location of sewers in plan and profile shall conform to the standards for the separation of sewers and domestic water pipes. (Ord. 3927 § 2 (part), 1972)

Section 13.12.050 Electric and telephone.

A. All underground electrical conduits for residential service and telephone conduits shall be laid at such depth that the top of such conduits shall not be less than forty-five inches and thirty inches, respectively, below the established grade of the parkway; provided, however, that in cases where the grades may not have been established, these depths shall be below the existing surface of the parkway. Major underground electrical conduits may be laid in the street and shall be not less than thirty inches below the existing surface or established grade of the street.

B. The underground electrical conduits for residential service and telephone conduits shall generally be laid a maximum of one foot from the edge of sidewalk and major electrical conduits in the street shall be laid at a location to be determined by the Director of Public Utilities. (Ord. 3927 § 2 (part), 1972)

Section 13.12.060 Miscellaneous underground facilities.

All other miscellaneous underground facilities shall be laid at such location and depth as determined by the Director of Public Works. (Ord. 3927 § 2 (part), 1972)

Section 13.12.070 Permit required.

It is unlawful for any person to tear up, excavate, open or remove any part of a street, alley, public parking space or public roadway easement in the City without first having obtained from the Director of Public Works a written permit. Permits issued by the Director of Public Works are not transferable under any circumstances and shall expire one year from the date of issuance, after which time a new permit shall be required. (Ord. 6468 § 1, 1999; Ord. 3927 § 2 (part), 1972)

Section 13.12.080 Effect of permit on franchises.

Permits granted to any person under this chapter to lay pipes or other conduits and to make excavation to receive the same under the terms of this chapter shall not be construed to change, lengthen or in any sense or manner give an indeterminate permit or franchise to any public utility or other company over and above any right or franchise which it may possess at the time, or thereafter. (Ord. 3927 § 2 (part), 1972)

Section 13.12.090 Duties of inspectors--Payment for services.

The Director of Public Works is authorized, empowered and directed to employ competent inspectors who shall be qualified by experience in their particular line of work. They shall be placed as inspectors under the charge of the Director of Public Works of the City on all

work done under this chapter, in order to inspect for the proper performance of the work, use of adequate materials, and proper proportion thereof, and generally to inspect upon the ground the actual work under construction. To pay the expense and wage of such inspectors, the Director of Public Works is empowered and directed to estimate the cost of such employment and to collect the same from any person or contractor doing such work.

If any work requires inspection by City inspectors other than during regular City hours, the person or contractor shall pay an amount for such overtime work that is equal to two times the amount paid for inspection during regular City hours. (Ord. 3927 § 2 (part), 1972)

Section 13.12.100 Construction and reconstruction requirements.

The applicant shall backfill and pave or resurface trenches cut in the street. The work shall be done to the satisfaction of the Director of Public Works and to the specifications of the Public Works Department. The applicant may request the Director of Public Service to resurface trenches. The Director of Public Service shall determine if adequate City forces are available to perform trench resurfacing. If adequate City forces are not available, the applicant shall resurface the trenches. To pay the expense of resurfacing, the Director of Public Service is empowered and directed to estimate the cost of any such work performed and to collect the same from the applicant. (Ord. 3927 § 2 (part), 1972)

Section 13.12.110 Payment of restoration costs.

The applicant for a permit under Section 13.12.070 shall agree to pay any additional and extra cost made necessary by the refilling or resurfacing of any trench as herein mentioned; provided, that the earth sinks or a depression occurs within one year from the time such trench was filled by the party holding the permit. (Ord. 3927 § 2 (part), 1972)

Section 13.12.120 Discretion and conditions in granting request to open street.

The Director of Public Works, on the receipt of a written request to open any street according to the terms of this chapter, may or may not grant the request for a particular place asked for, and, if any good reason exists why another place should be or could better be opened, or only a portion of the street opened at a time, he shall designate such place or route, even if it is longer. (Ord. 3927 § 2 (part), 1972)

Section 13.12.130 Notification upon completion of work.

Any person excavating or tearing up the roadbed of any street shall cause all reconstruction of the roadbed to be inspected by the Director of Public Works' office and shall notify the Public Works Department, engineering division, twenty-four hours before time set for inspection, exclusive of Saturday, Sunday and holidays. (Ord. 3927 § 2 (part), 1972)

Section 13.12.140 Diligent prosecution of work.

The work for which any excavation, tearing up or opening in a street is made shall be prosecuted with due diligence and so as not to obstruct the street or the travel thereon more than is reasonably required to perform the work. (Ord. 3927 § 2 (part), 1972)

Section 13.12.150 Failure to comply with chapter.

The Director of Public Works may refuse to issue future permits for work performed under this chapter to any person who has failed to comply with the provisions of this chapter until such person has corrected any deficiencies to the satisfaction of the Director of Public Works. (Ord. 3927 § 2 (part), 1972)

Chapter 13.16

IMPROVEMENTS

Sections:

- 13.16.010** Permit required.
- 13.16.020** Application contents.
- 13.16.030** Fees.
- 13.16.040** Regulations generally.
- 13.16.050** Effect of chapter upon other permits and fees.
- 13.16.060** Obligations of contractor for curbs, gutters and sidewalks when constructing buildings.
- 13.16.070** Conduit stub down or pull box may be required.
- 13.16.071** Street lighting charge.
- 13.16.080** Appeal to Board of Public Utilities.
- 13.16.090** Modification of requirements.
- 13.16.100** Final approval and acceptance not to be granted prior to construction guarantee.
- 13.16.110** Submission and preparation of plans.
- 13.16.120** Plans to be checked and approved by City Engineer.
- 13.16.130** Plan check fees.
- 13.16.140** Fees not required for altered or resubmitted plans.
- 13.16.150** Collection and disposition of fees.

Section 13.16.010 Permit required.

No person shall grade, prepare subgrade, pave, lay sewer or drain pipe, construct curbs, gutters, driveways, sidewalks, manholes, catch basins or similar structures in any street, alley, way or easement, which street, alley, way or easement is dedicated or proposed to be dedicated for public use, within the City, without first obtaining a written permit from the City so to do. (Ord. 3927 § 3 (part), 1972; prior code § 17.1)

Section 13.16.020 Application contents.

Any person desiring a permit required by Section 13.16.010 shall present a written application therefor to the Director of Public Works, setting forth the name and address of the applicant, details concerning the location, nature and extent of construction intended to be made, and the purpose for which such construction is to be made and used. (Ord. 3927 § 3 (part), 1972; prior code § 17.2)

Section 13.16.030 Fees.

The fees for permits for the construction, repair or alteration of sidewalks, curbs, gutters, driveways, subgrades, pavement, sewers, manholes, catch basins and other structures, and for excavating, laying and backfilling sewer and drain pipelines, for which work specifications, grades and lines have been approved by the Director of Public Works, shall be computed and determined by the Director of Public Works in accordance with the schedule of fees as may be established by the City Council by resolution. (Ord. 4822 § 1, 1980; Ord. 4132 § 1, 1974; Ord. 3927 § 3 (part), 1972; Ord. 3530 § 2, 1968; prior code § 17.3)

Section 13.16.040 Regulations generally.

A. Permits to perform work pursuant to this Chapter will be issued only to state licensed contractors meeting the requirements concerning city business tax regulations. Prior to the issuance of any permit, the applicant shall file and maintain with the Public Works Department a valid and current policy or policies or sufficient certificate or certificates evidencing the policy or policies of liability insurance, covering all operations of the applicant and/or his contractor, agents or employees and subcontractors, whether liability is attributable to the contractor or the City. The policy or policies shall contain an endorsement naming the City of Riverside as an additional insured, shall provide that the City will be given 30-days written notice prior to cancellation or material change, and shall be in such minimum limits as set by resolution of the City Council. The applicant shall also agree to indemnify, defend and hold harmless the City of Riverside, its officers, agents and employees, from and against all claims, damages, losses and expenses including attorney's fees arising out of the acts or omissions of the applicant, its servants, agents, contractors or subcontractor, during or as a result of the work performed in the City's public rights-of-way, except to the extent the damages claimed or caused by acts or omissions of the City.

B. No person performing work under this chapter shall fail, neglect or refuse to remove all used materials and debris within three days after completion of the work from any street, alley, way or easement which is, or is proposed to be, dedicated for public use. Such failure or neglect shall constitute authority of the Director of Public Works to order necessary removal at the expense of the permittee. The Director of Public Works may refuse issuance of construction permits to persons failing to reimburse the City for the expense so incurred.

C. The material used in the construction work may be stored on adjacent public property during the course of construction; provided the same are so placed and safeguarded by lights, warning signs and barricades as not to constitute a hazard to public peace and safety. If the Director of Public Works finds that adequate safeguards have not been placed or maintained, he may order correction thereof at the permittee's expense. The Director of Public Works may refuse issuance of permits to persons failing to reimburse the City for the expense so incurred.

D. No driveway approach shall cross over a lot line as extended into the street right-of-way without the consent of the Director of Public Works.

E. Raw materials and workmanship for work provided under this chapter shall conform to applicable provisions as determined by the Director of Public Works. All paving installed between the curb and the property line shall be portland cement concrete in accordance with the standard drawings and specifications of the Public Works Department.

F. Any person doing work under this chapter shall cause all such work to be inspected by the Director of Public Works' office and shall notify the Public Works Department, engineering division, twenty-four hours before time set for inspection, exclusive of Saturday, Sunday and holidays. If any work, including that for public agencies, requires inspection other than during regular City hours, the contractor shall pay the expense and wage of the inspectors at the rate determined by the Director of Public Works. Work completed without such notice or request for inspection will not be accepted by the City. All work to be performed under this chapter shall be to the satisfaction of the City and in accordance with City standards and under the supervision of the Director of Public Works or his authorized inspectors. (Ord. 6307 § 1, 1996; Ord. 4926 § 1, 1981; Ord. 3927 § 3 (part), 1972; prior code § 17.4)

Section 13.16.050 Effect of chapter upon other permits and fees.

The permits and fees provided for by this chapter are only for the construction or reconstruction and inspection of the improvements herein specified in streets, alleys, easements or ways. The provisions of this code and other ordinances of the City relating to permits, fees, charges and inspections in connection with other work and improvements at locations outside of

streets, alleys, easements and ways are not affected by this chapter.

The fees required by this chapter are distinct from the connection fees and service charges imposed by other provisions of this code and other ordinances or by department rules and regulations.

The fees imposed by this chapter for the inspection of work which is by or on behalf of public entities, except the cost of inspection performed on an overtime basis, are waived, and the permit for such work, which is required by this chapter, shall be issued without payment of the inspection fees imposed hereby. (Ord. 3927 § 3 (part), 1972; prior code § 17.5)

Section 13.16.060 Obligations of contractor for curbs, gutters and sidewalks when constructing buildings.

Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling or, with the exception of single family dwellings, to enlarge or make additions thereto in excess of six hundred fifty square feet shall, at his expense, provide for the plans and construction of curbs, gutters, sidewalks, street lights, street trees, driveway approaches, base, paving, barricades, catch basins and drain pipe along all street and alley frontages in accordance with the standard drawings and standard specifications of the Department of Public Works, and of the Department of Public Utilities in the case of street lights.

Any combination of permits issued within a twelve month period which provide or result in enlargements or additions of six hundred fifty square feet, or more, to existing buildings shall be considered as a single permit for the purpose of applying the requirements of this chapter.

Where existing driveway depressions or approaches are abandoned or not required for access to the property, they shall be removed and replaced with curb and gutter and sidewalk, as necessary.

In addition to the above, the applicant shall do all grading necessary to install the above improvements and shall, at his expense, relocate or remove all structures, utilities, trees and irrigation lines within the right-of-way which interfere with the installation of the above improvements.

Where additional street or alley right-of-way is required in order to properly align the required curb, gutters, street lights, sidewalks or paving with existing or planned improvements on the same block frontage, or in accordance with the planned street lines established in Chapter 19.72 in conformance with the circulation element of the City master plan of land use, streets and highways, or in accordance with existing or planned dedicated alley right-of-way, or to provide corner cut-offs, the applicant shall be required to dedicate the necessary property and install improvements.

The building official shall not issue a permit requiring improvements pursuant to this section until the applicant has:

A. Guaranteed construction by a cash deposit or suitable bond, letter of credit or deposit agreement approved as to amount by the Director of Public Works and approved as to form by the City Attorney; and

B. Dedicated the required right-of-way. (Ord. 3927 § 3 (part), 1972; Ord. 3575 § 1, 1968; prior code § 17.7)

Section 13.16.070 Conduit stub down or pull box may be required.

In order to decrease the obstruction of streets and ways and to increase the safety and convenience of the public in their use and because of the additional economic burden which otherwise would be imposed upon persons required to convert utility lines from overhead to underground in existing buildings, structures or dwellings which are not being erected, constructed, replaced, relocated or enlarged, the provisions in this section are declared to be for the welfare and safety of the inhabitants of the City.

Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling or to enlarge or make additions thereto in excess of six hundred fifty square feet may be required to provide, in addition to the usual overhead utility lines and structures, a conduit stub down or pull boxes or both in compliance with the existing regulations and directions of the Public Utilities Department of the City in any area designated by that department as an area scheduled for future conversion from overhead utility lines to underground utility lines. (Prior code § 17.7-1)

Section 13.16.071 Street lighting charge.

To provide for installation of street lights and to avoid a possible unreasonable burden on the applicant, a street lighting charge is established which charge shall be paid by the applicant in those cases where his approved plans indicate that less than five street lights are required. Said charge shall also be paid by the applicant where after the effective date of the ordinance codified herein, the City, at City expense, has installed street lights in the street abutting the applicant's development and the property on which the building is to be constructed is benefited by said rights and has not been assessed for street lights. Said charge shall be computed by the City Public Utilities Director in accordance with the units of benefit to the land as distinguished from front-footage assessments. In determining the unit of benefit, the Public Utilities Director shall follow the generally accepted methods for making and spreading assessments based upon the benefits to the land as distinguished from front-foot assessments. Such unit of benefit charge shall be established and approved as an electric rule and regulation. (Ord. 3575 § 2, 1968)

Section 13.16.080 Appeal to Board of Public Utilities.

The order of the Public Utilities Department requiring the provision of a conduit stub down or pull boxes or both may be appealed to the Board of Public Utilities by filing a written notice of appeal within fifteen days after the date of making the order, exclusive of holidays, on a form provided by the Board, by describing in the notice the order appealed from and by stating in the notice wherein such order is erroneous or invalid. Upon such appeal, the Board of Public Utilities shall determine by the affirmative vote of three or more of its members and in the manner prescribed by Section 2.40.050, so far as that Section is consistent with the provisions of this Section, whether such order is reasonably necessary for the welfare and safety of the inhabitants of the City. The decision of the Board of Public Utilities shall be final.

The operation of the order appealed from is suspended by the filing of the notice of appeal and until determination of the appeal or termination of proceedings thereunder.

In case of denial of waiver by the Public Utilities Director, the requirement for street lights may be appealed in the same manner as the provision for conduits, stub down or pull boxes. This requirement may be waived when it appears that such lights are not necessary for the welfare and safety of the applicant and the inhabitants of the City; that there is no reasonable likelihood that lights will be installed within a reasonable period of time; or that such a requirement places an unreasonable burden on the applicant in relation to the anticipated economic return from his proposed building. (Ord. 3575 § 3, 1968; prior code § 17.7-2)

Section 13.16.090 Modification of requirements.

A. Installation of all or part of the improvements required by Section 13.16.060 may be waived by the Public Works Director in accordance with the following:

1. Where adequate improvements of the nature and type required already exist, or where security adequate to guarantee the construction of such improvements has been provided;
2. In residential zones, curb and gutter may be waived if sixty percent of the property

frontage within the same block, has been developed without curb and gutter. For computing the sixty percent, "block" is defined as the length of street: (a) between intersecting public streets which existed on July 1, 1964; (b) between an intersecting public street and a dead end as they existed on July 1, 1964; or (c) between an intersecting public street and a tee intersection with a public street, as they existed on July 1, 1964. In determining the percentage of developed property frontage, allowance shall be made for future property divisions in accordance with existing zoning. If the installation of curb and gutter is waived hereunder, a minimum of twenty-four feet of paving, adequate provisions for drainage, and a six-foot graded shoulder for pedestrian and equestrian traffic shall be provided in accordance with the specifications of the Public Works Department; provided, however, the Public Works Director may waive the requirement for twenty-four feet of paving when he determines that such additional paving does not appreciably benefit the motorists utilizing such streets;

3. Sidewalks may be waived where no sidewalks exist within the distance of one hundred sixty-five feet from any point of intersection of any boundary line of the lot and side line of any street upon which such lot abuts at the front, side or rear; provided, however, that if the area of such lot is one-half acre or more, such distance shall be measured from the points of intersection of the projected lines of the required side and rear yards of the lots with such side street line;

4. Sidewalks only shall be waived where the topography is such that the installation of sidewalks would be impractical;

5. Where the street or alley, for practical reasons, has not been or cannot be readily graded to the established grade;

6. Where installation of sidewalks would be hazardous to pedestrians because of grade;

7. Where parcels in residential zones are divided into one-half acre or larger lots, the curb, gutter and paving or curb, gutter, sidewalk and paving need not extend a greater distance than the side yards or side and rear yards in the case of corner lots defined in Title 19;

8. Where the City Council has, within two years prior to the date of application and in accordance with established subdivision, record of survey or other procedure, waived or modified the requirement of curbs, gutters, sidewalks, street lights, paving or dedication, or any combination thereof, the Director of Public Works shall accordingly waive or modify the requirements of this chapter.

B. The street lighting charge may be waived by the Public Utilities Director when it appears that there is no reasonable likelihood that such lights will be installed within a reasonable period of time; or when the land in question has been previously assessed for street lights; or when the application is for an addition to an existing building or a small accessory building and such a charge would place an unreasonable economic burden on the applicant in relation to the size and cost of his structure. (Ord. 5322 § 1, 1985; Ord. 4973 § 1, 1981; Ord. 4801 § 1, 1980; Ord. 4384 § 1, 1977; Ord. 3575 §§ 4, 5, 1968; prior code § 17.8)

Section 13.16.100 Final approval and acceptance not to be granted prior to construction guarantee.

The Building Inspector shall deny final approval and acceptance on public utility connections to any building or dwelling until portland cement concrete curbs and gutters or portland cement concrete curbs, gutters and sidewalks exist or are constructed or their construction is guaranteed by cash deposited with the City in a sum determined by the Director of Public Works or suitable bond, letter of credit or deposit agreement approved as to amount by the Director of Public Works and approved as to form by the City Attorney, based upon the number of lineal feet of portland cement concrete curb, gutter and sidewalks to be installed, except as set forth in Section 13.16.090. (Prior code § 17.9)

Section 13.16.110 Submission and preparation of plans.

Any person desiring or required to construct or install any public works improvement, including curbs, gutters, sidewalks, culverts, drains, driveway approaches, grading, paving, street lights, street trees, sewers or any appurtenant work thereto in a dedicated City right-of-way, shall submit engineering plans for such improvements. Such plans shall be prepared by a registered civil engineer of the state. Where such plans are prepared by the office of the City Engineer, a charge of seven percent of the estimated construction cost or seven hundred fifty dollars whichever is greater, shall be assessed for such work. Any person desiring or required to construct or install public landscape improvements, other than only street trees, in a dedicated City right-of-way shall submit landscape plans for such improvements. Such plans shall be prepared by a registered landscape architect of the State or other licensed professional within the restrictions of such license. (Ord. 5874 § 1, 1990; Ord. 5593 § 1, 1987; prior code § 17.10)

Section 13.16.120 Plans to be checked and approved by City Engineer.

The City Engineer or the authorized designee of the City Engineer shall thoroughly check the plans required by Section 13.16.110, require all necessary amendments and alterations, estimate total construction cost of the improvements, and shall indicate approval of the plans when completed. (Ord. 5593 § 2, 1987; prior code § 17.11)

Section 13.16.130 Plan check fees.

Plans that are made as required by or in conjunction with any subdivision map, parcel map, building permit, conditional use permit, planned residential development permit, plot plan approval, rezoning proceeding, or other similar application requiring City approval, shall be subject to plan check fees for the services specified in Section 13.16.120 in the amounts set by resolution of the City Council. (Ord. 5593 § 3, 1987; Ord. 4822 § 2, 1980; Ord. 4132 § 2, 1974; prior code § 17.12)

Section 13.16.140 Fees not required for altered or resubmitted plans.

In the event the City Council or Planning Commission of the City alters or requires alteration or resubmission of plans previously approved by the City Engineer or the authorized designee of the City Engineer, no additional plan check fee shall be required. (Ord. 5593 § 4, 1987; prior code § 17.13)

Section 13.16.150 Collection and disposition of fees.

The plan check fees provided for in this chapter shall be collected and deposited with the City Treasurer and shall be placed by the Treasurer in the general fund of the City. (Ord. 5593 § 5, 1987; prior code § 17.14)

Chapter 13.18

TRAILS MASTER PLAN

Sections:

13.18.010 Purpose and intent.

13.18.020 Standards.

Section 13.18.010 Purpose and intent.

The purpose and intent of this chapter is to provide minimum standards for recreational trails to safeguard the health, property and public welfare by regulating the design, construction, quality of materials, location and maintenance of recreational trails shown on the Trails master plan map in the general plan, and to require that recreational trails within the City be developed according to approved standards and design elements as set forth in the Trails master plan. (Ord. 6266 § 1 (part), 1996)

Section 13.18.020 Standards.

The installation and development of recreational trails within the City shall be in accordance with the Trails master plan and any revisions, amendments or modifications thereto as set forth by resolution adopted by the City Council. (Ord. 6266 § 1 (part), 1996)

Chapter 13.20

PEDESTRIAN MALL

Sections:

- 13.20.010** **Mall established--Boundaries.**
- 13.20.020** **Exceptions to vehicular traffic regulations.**
- 13.20.025** **Pedestrian Mall Manager defined.**
- 13.20.030** **Vehicular traffic defined.**
- 13.20.040** **Permits of necessity.**
- 13.20.050** **Emergency vehicles, service vehicles, public trams and licensed horse drawn carriages allowed.**
- 13.20.060** **Suspension of chapter for special events.**
- 13.20.070** **Special events.**

Section 13.20.010 Mall established--Boundaries.

A pedestrian mall is established and is described as follows:

Main Street between the southerly line of Sixth Street and the northerly line of Tenth Street but excluding from the mall the intersections of Main Street with Mission Inn Avenue (formerly known as Seventh Street), University Avenue (formerly known as Eighth Street) and excluding from the mall Ninth Street. (Ord. 6929 § 1, 2007; Ord. 3407 § 1, 1966)

Section 13.20.020 Exceptions to vehicular traffic regulations.

All vehicular traffic on the pedestrian mall is prohibited subject to the exceptions hereinafter stated. (Ord. 3407 § 2, 1966)

Section 13.20.025 Pedestrian Mall Manager defined.

The Pedestrian Mall Manager shall be the City of Riverside Park and Recreation Director or the person or entity the City has designated by contract to maintain and manage the Riverside Pedestrian Mall. (Ord. 6500 § 1, 1999)

Section 13.20.030 Vehicular traffic defined.

"Vehicular traffic" means vehicular traffic of all types, including without limitation, automobiles, trucks, buses, motorcycles, motor scooters, motor carts, bicycles, scooters, skateboards; provided, however, "vehicular traffic" shall not include the following:

- A. Emergency vehicles and equipment of all types;
- B. Public utility vehicles and equipment;
- C. Sweepers, trucks or other vehicles or equipment operated by or at the direction of the City for the purpose of performing City services on the pedestrian mall;
- D. Public trams or similar public vehicles operated by the City, or by an operator holding a franchise, license, contract or permit from the City, for the purpose of transporting along the mall shoppers and other persons entering the mall;
- E. Commercial vehicles and equipment entering the mall where such entry is reasonably necessary for the purpose of performing work or services on the mall or on private property or properties abutting thereon and where the owner or operator of any such vehicle or equipment holds a "permit of necessity" issued by or at the direction of the Director of Public Works;

F. Commercial vehicles and equipment entering the mall where such entry is reasonably necessary for the purpose of making deliveries of mail, merchandise, goods or equipment to business establishments occupying property abutting on the mall and where such deliveries cannot be made to said business establishments through entrances other than those on the mall and where the owner or operator of any such vehicle or equipment holds a "permit of necessity" issued by or at the direction of the Director of Public Works;

G. Vehicles, the owners or operators of which hold "emergency permits" issued by or at the direction of the Chief of Police. (Ord. 3407 § 3, 1966)

Section 13.20.040 Permits of necessity.

The Director of Public Works, in issuing "permits of necessity" as referred to in Section 13.20.030 (E) and (F) shall provide terms and conditions in the permits in accordance with the following criteria:

A. Vehicles and equipment for which permits of necessity are issued shall be in good operating condition and shall not drip, drop or emit substances or materials on the surface of the mall or on the improvements thereon which stain, streak, erode, pit, pock or otherwise adversely affect said surface or said improvements. No such vehicles or equipment shall travel on other than inflatable rubber tires nor shall such vehicles or equipment contain parts thereof or appendages thereto which would drag along the surface of the mall;

B. All permits shall contain a provision that the holder thereof shall be responsible for the cleaning and repairing of the mall to assure that the mall will be returned to its prior condition following the entry and departure of vehicles and equipment of the permit holder.

Failure to comply with this provision shall result in the City taking such action as is necessary to clean or repair the mall so as to restore it to its prior condition. In such case the City shall bill the permit holder for its cost in such repairing or cleaning. Failure of the permit holder to take such action to clean or repair the mall as is necessary to restore it to its prior condition or to pay the cost of the City in so doing shall constitute cause for the Director of Public Works to deny subsequent applications for permits of necessity submitted by such permit holder;

C. Permits may contain a provision limiting the time or times when the vehicle and/or equipment covered thereby may enter the mall. To the extent possible vehicles engaged in making deliveries of goods and materials to business establishments abutting on the mall shall be required to make deliveries between the hours of ten p.m. and seven a.m. of the following day;

D. In no event shall a permit of necessity be issued authorizing a vehicle or equipment to enter the mall having a gross loaded weight in excess of ten thousand pounds. (Ord. 3407 § 4, 1966)

Section 13.20.050 Emergency vehicles, service vehicles, public trams and licensed horse drawn carriages allowed.

Emergency vehicles and equipment, City vehicles and equipment performing services, public trams or similar vehicles operating under permit from the City, public utility vehicles and equipment and vehicles displaying an "emergency permit" issued by or at the direction of the Chief of Police, and horse drawn carriages operating with a valid vehicle for hire permit and license to operate from the Pedestrian Mall Manager shall be permitted in the mall. (Ord. 6500 § 2, 1999; Ord. 3407 § 5, 1966)

Section 13.20.060 Suspension of chapter for special events.

The Council may at any time, by resolution or order, suspend the operation of this chapter for the purpose of permitting specified vehicles to travel on the mall in connection with

special events to be held thereon such as parades, auto shows and similar special events. (Ord. 3407 § 6, 1966)

Section 13.20.070 Special events.

Notwithstanding any other provision of this code, the City Council may permit the conduct of special events such as parades, shows, festivals, outdoor sales and similar types of activities on the pedestrian mall and on Main Street from the pedestrian mall to and including Fifth Street, and on Fifth and Sixth Streets between Orange and Market Streets. The permission granted pursuant to this section shall be by resolution of the City Council and shall be subject to such rules and regulations and conditions set forth in said resolution as deemed necessary and proper by the City Council. (Ord. 5839 § 1, 1990; Ord. 5113 § 1, 1983)

Chapter 13.24

NEWSRACKS

Sections:

13.24.010	Purpose.
13.24.015	Definitions.
13.24.020	Prohibition.
13.24.025	Standards for newsracks placed on sidewalks.
13.24.030	Location of newsracks.
13.24.035	Display and sale of harmful matter to minors.
13.24.040	Encroachment permit requirement.
13.24.045	Impoundment of racks--Corrections or other disposal authorized.
13.24.050	Return of impounded racks.
13.24.055	Appeal.
13.24.060	Abandonment.
13.24.065	Insurance.
13.24.070	Violations.
13.24.075	Severability.

Section 13.24.010 Purpose.

A. The uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such right-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.

B. Newsracks located as to cause an inconvenience or danger to persons using public right-of-way, and unsightly newsracks located therein, constitute public nuisances.

C. The uncontrolled proliferation of newsracks detracts from the appearance of streets, sidewalks, and adjacent business.

D. The uncontrolled placement of newsracks may inhibit safe entry and departure of vehicles, public and private.

E. The uncontrolled placement of newsracks impairs the vision and distracts the attention of motorists and pedestrians, particularly small children, and may cause injury to the person or property of such persons.

F. The placement of newsracks without a permit based on the detailed findings in public rights-of-way adjacent to residential areas detracts from and reduces neighborhood aesthetics and increases the exposure of residents to noise, traffic volume and hazards and congestion.

G. The uncontrolled placement of newsracks increases the civil exposure of the City to personal injury and property damages claims.

H. City-controlled placement of newsracks provides for and maintains the freedom of speech and press for newspapers and news periodicals using dispensing devices for distribution purposes.

I. This chapter is enacted in pursuance of and for the purpose of securing and promoting the public safety and general welfare of persons in the City in their use of public rights-of-way. (Ord. 6200 § 1 (part), 1995)

Section 13.24.015 Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the

meaning ascribed to them in this section:

"Distributor" means the person responsible for placing and maintaining a newsrack in a public right-of-way.

"Newsrack" means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display, sale or distribution of publications.

"Parkway" means the area between the sidewalk and the curb of the roadway, and where there is no sidewalk, that area between the edge of the traveled roadway and the edge of a public right-of-way. Parkway also includes any area within a roadway that is not open to vehicular travel.

"Public right-of-way" means any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square, and other similar public way.

"Roadway" means that part of a public right-of-way that is designated and used primarily for vehicular travel.

"Sidewalk" means that part of a public right-of-way that is designated and ordinarily used for pedestrian travel. (Ord. 6200 § 1 (part), 1995)

Section 13.24.020 Prohibition.

No person shall place, install, use or maintain any newsrack which rests in whole or in part upon, in, or on any portion of a public right-of-way or what projects onto, into, or over any part of a public right-of-way except in compliance with the provisions of this chapter. (Ord. 6200 § 1 (part), 1995)

Section 13.24.025 Standards for newsracks placed on sidewalks.

Any newsrack which rests in whole or in part upon, in or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall comply with the standards set forth in this section.

A. No newsrack shall exceed fifty inches in height, twenty-seven inches in width, or twenty inches in thickness.

B. The newsracks shall be painted black, brown, gray, blue or white.

C. No advertising signs or material, other than those dealing with the name of the publication contained within the newsrack, shall be displayed on the outside of the newsrack.

D. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he is unable to receive the publication paid for. The coin-return mechanisms shall be maintained in good working order. Newsracks dispensing free publications are exempt from subsection B.

E. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this chapter.

F. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

1. It is reasonably free of dirt and grease;
2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof;

4. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

5. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and

6. The structural parts thereof are not broken or unduly misshapen.

G. Newsracks lawfully in existence on February 6, 1995 shall be allowed to remain at the same location, provided they are not determined to be a public nuisance or dangerous to the public safety or general welfare, for a period of six months following adoption of the ordinance codified in this chapter. In order to benefit from this subsection, a distributor must report the number and location of all newsracks existing within the City as of February 6, 1995 to the Public Works Department within sixty days of the effective date of the ordinance codified in this chapter which shall compile an inventory of such existing newsracks. Such inventory list shall be conclusive as to the location and existence of such newsracks. The distributor must submit an annual update report to the Public Works Director, including all new locations of its newsracks. Thereafter, all such newsracks shall be required to comply with all provisions of this chapter. (Ord. 6200 § 1 (part), 1995)

Section 13.24.030 Location of newsracks.

Any newsrack which rests in whole or in part upon, in, or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

A. No newsrack shall be located in whole or in part in any roadway.

B. Newsracks shall be located only near the curb (or, if there is no curb, the edge of the roadway) or the wall of a building. Newsracks located near the curb shall be located no less than eighteen inches nor more than twenty-four inches from the roadway edge of the curb. Newsracks located adjacent to a building shall be located parallel to and not more than six inches from the wall thereof. No newsrack shall be located directly in front of any display window of any building abutting a sidewalk or parkway, except near the curb, without the written consent of the person or entity legally in occupancy or otherwise in control of the premises on which the display window is located. If such consent is withdrawn, any newsrack placed in front of a display window shall be removed within fourteen days of the date of written notice from the City to the owner of such newsrack. No newsrack shall be located on the sidewalk or parkway directly opposite a newsstand or another newsrack.

C. Existing newsracks shall be bolted or safely secured to the sidewalk or concrete slab or other alternate technique approved by the Public Works Director. After one year from the date of adoption of the ordinance codified in this chapter, all newsracks must be bolted to the sidewalk or concrete slab.

D. Newsracks may be placed next to each other, provided that no cluster of newsracks shall exceed a distance of more than ten feet. A cluster shall include no more than six newsracks. There shall be a limit of two newsracks per publication at any given location per cluster.

E. No newsrack shall be placed, installed, used or maintained:

1. Within one hundred feet of any other cluster of newsracks whether or not containing the same issue or edition of the same publication;

2. Where placement unreasonably interferes with the use of utility poles, traffic signs or signals, mailboxes, mechanical sidewalk cleaning machinery. (Ord. 6200 § 1 (part), 1995)

Section 13.24.035 Display and sale of harmful matter to minors.

Section 313.1 of the California Penal Code shall govern the display, offer for sale or selling of harmful matter as defined in CPC Section 313(a), to minors in vending machines,

selling such matter, unattended by an adult at the time of such sale, located in and upon public places. (Ord. 6393 § 37, 1997; Ord. 6200 § 1 (part), 1995)

Section 13.24.040 Encroachment permit requirement.

Any person who desires to install or place a newsrack within the public right-of-way must first obtain an encroachment permit. The submittal of the list by the distributor or publisher shall constitute the application for the encroachment permit. No fee will be charged for the permit and annual update reports.

Notwithstanding any other provision of this chapter, newsracks shall be permitted in the public right-of-way of a public street adjoining land zoned for residential use only if the street is a major arterial as shown in the transportation element of the general plan. The Public Works Director or his authorized representative shall keep a current registration of all encroachment permits, including name of permit holder, address, telephone number, date of issued permit and location of nuisance.

The applicant must submit a copy of a current business tax certificate issued by the City pursuant to Section 5.04.040 of this code before an encroachment permit may be issued. (Ord. 6200 § 1 (part), 1995)

Section 13.24.045 Impoundment of racks--Corrections or other disposal authorized.

A. The Public Works Director or his designee:

1. May immediately correct any violation of this chapter and shall do so without impounding if such correction can be accomplished simply, easily, quickly and without expense;

2. May notify the person, if known, maintaining a newsrack found in violation of this chapter, either in person, by telephone or by mail, in their discretion, and/or by affixing a notice to the newsrack, that unless the violation is corrected or a hearing requested, within ten working days if the notice is in person or by telephone, within ten working days if the notice is by mail, or within ten working days if the notice is by affixing a notice to the newsrack, of the date of the notice, the newsrack will be impounded;

3. May impound any newsrack in accordance with the decision of any hearing requested pursuant to this chapter.

B. If a hearing on the impounding of the newsrack is not timely requested or if the newsrack is not returned in accordance with the provisions of this chapter, the City Manager or his designees may sell or otherwise dispose of the newsrack, and its contents, and deposit the proceeds, if any, from any such sale or other disposition, any moneys contained in said newsrack, in the City general fund. (Ord. 6200 § 1 (part), 1995)

Section 13.24.050 Return of impounded racks.

A. Unless the newsrack and its contents are being held as evidence in a criminal prosecution, the person maintaining the newsrack, or if there is no such known person, a claimant who provides sufficient proof of ownership of an impounded newsrack may, at any time up to and including the thirtieth day after the impounding, and if a hearing pursuant to this chapter is held concerning the newsrack, may, at any time up to and including the thirtieth day after the decision at such hearing becomes final, obtain a return of the newsrack and its contents, upon paying an impound fee of twenty-five dollars plus the reasonable additional cost, if any, of impounding the newsrack in excess of twenty-five dollars.

B. The City Manager or his designee may, after a hearing in accordance with this chapter, order the newsrack returned without payment of any impound fee; or if an impound fee has previously been paid, may order return of any such impound fee.

C. A court before whom criminal charges concerning an impounded newsrack are pending, may, upon dismissal of the charges or a finding of acquittal, in its discretion order an

impounded newsrack returned without payment of an impound fee or the return of the impound fee paid. (Ord. 6200 § 1 (part), 1995)

Section 13.24.055 Appeal.

Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this chapter may appeal to the City Manager. An appeal must be perfected within ten working days after receipt of the notice of any decision or action by filing with the City Manager a notice of appeal briefly stating therein the basis for such appeal, identifying the location of the newsrack, name, address, and telephone number of the appellant. The City Manager shall then appoint a Hearing Officer to hear the appeal. The hearing must be held on a date within sixty days after receipt of the notice of appeal. Appellant shall be given at least ten days' notice of the time and place of the hearing. The hearing officer shall give the appellant and any other interested party the reasonable opportunity to be heard, in order to show cause why the determination of the City Manager or his designee should not be upheld. Within five days of the hearing, the City Officer shall make a written decision. His decision is final, with no appeal to the City Council. Fees for filing an appeal shall be set by resolution of the City Council. (Ord. 6200 § 1 (part), 1995)

Section 13.24.060 Abandonment.

In the event a newsrack remains empty for a period of thirty continuous days, the same shall be deemed abandoned and may be treated in the manner provided in Section 13.24.045 for newsracks in violation of the provisions of this Chapter. (Ord. 6200 § 1 (part), 1995)

Section 13.24.065 Insurance.

The City requires every person, corporation, partnership or other entity which places or maintains a newsrack on a public sidewalk or other public place in the City to provide insurance as required by current City policy, rule and/or regulations. (Ord. 6200 § 1 (part), 1995)

Section 13.24.070 Violations.

Any person, corporation, partnership or other entity who violates any of the provisions of this chapter is subject to criminal prosecution as permitted in Section 1.01.110. (Ord. 6200 § 1 (part), 1995)

Section 13.24.075 Severability.

If any section, subsection, subdivision, sentence, clause, phrase or part of this chapter or any part thereof is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The City Council declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or parts be declared invalid or unconstitutional. (Ord. 6200 § 1 (part), 1995)